



<b>USDS SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: DATE FILED: 7/27/2021
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U.S. Department of Justice

 United States Attorney  
 Southern District of New York

 86 Chambers Street  
 New York, New York 10007

July 27, 2021

**VIA ECF**
 Hon. John G. Koeltl  
 United States District Judge  
 United States District Court  
 500 Pearl Street  
 New York, New York 10007

*Application granted. Time to respond extended to 10/1/21. September 14, 2021 conference is canceled. Parties should provide a status report by 10/8/21. So ordered.*

 Re: *Lyons v. United States Citizenship and Immigr. Servs., et al.*, No. 21 Civ. 3661 (JGK)

Dear Judge Koeltl:

*7/27/21 JGK 6/1 Koeltl U.S.D.S.*

This Office represents the government in the above-referenced mandamus action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate his Petition for Alien Entrepreneur (Form I-526). The government's response to the complaint is currently due on August 2, 2021. I write respectfully, with plaintiff's consent, to request a 60-day stay of the deadlines in this case, until October 1, 2021.

The 60-day stay is requested because plaintiff's I-526 petition is based on an investment in an EB-5 Immigrant Investor Regional Center Program ("Regional Center Program"), and Congress has not extended the statutory authorization related to the Regional Center Program, which expired at the end of the day on June 30, 2021. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992), as amended ("the Regional Center statute"); Div. O, Title I, Sec. 104 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (2020).<sup>1</sup>

The 60-day stay will allow the parties time to monitor whether Congress will renew the statutory authorization related to the Regional Center Program and to assess the impact of such reauthorization (or lack thereof) on this litigation. Should Congress renew the statutory authorization related to the Regional Center Program prior to the expiration of the 60-day stay, the government will promptly notify the Court.

For the same reasons as discussed above, I respectfully request an adjournment of the initial pretrial conference, which is currently set for September 14, 2021 at 4:00 p.m., to a date convenient for the Court after October 1, 2021. This is the government's third request for an adjournment of the conference. The Court granted the government's previous requests for an adjournment of the conference on May 21, 2021 and June 29, 2021. See ECF Nos. 12, 14.

<sup>1</sup> The government, with plaintiff's consent, previously requested a 30-day extension of its deadline to respond to the complaint because Congress had not yet reauthorized the Regional Center Program, and the Court granted that extension on June 29, 2021. See ECF No. 13, 14.

I thank the Court for its consideration of these requests.

Respectfully,

AUDREY STRAUSS  
United States Attorney

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cc: Counsel of Record (via ECF)